

Appl. No. 10/055,805  
Response dated 1/6/2005  
Reply to Office Action of 7/6/2004

### **REMARKS/ARGUMENTS**

#### **Objections to the Claims**

Claims 15, 32 and 47 have been rejected under 37 CFR 1.75(c), as being of improper independent form for failing to further limit the subject matter of the parent claims. The parent claims have been amended to change the "variable fee amount" to a "fee amount" in the parent claim and further limit the "fee amount" in the dependent claims. As such these objections are rendered moot.

#### **Rejections to the Claims**

The examiner has previously rejected the claims based on 35 U.S.C. 112. The independent claims have all been amended to recite a "odd triality" of players instead of a "plurality" of players, wherein triality is three or more and odd triality means three ore more but an odd number. This limitation therefore answers the examiners rejection in terms of an "odd result" meaning that the players with the different from the majority are the winners and the predicted result is that they will indeed be in the minority group, i.e., they are predicting that they will win.

The examiner has previously rejected the claims based on 35 U.S.C. 102 and 103 over Cummings. Cummings does not comprise "an odd triality of players" where the player(s) with the "odd minority" result wins. Support for odd number of players over three is found at paragraph 0051 of the specification. Moreover all the references cited by the Examiner fail to teach, suggest, or describe a mechanism that allows "an odd triality of players" to play one

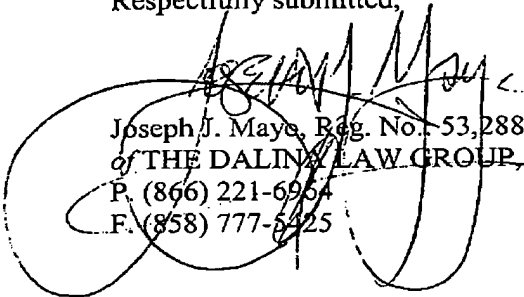
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another where the player(s) with the "odd minority" result wins. Hence Applicant believes the present claims are now in condition for allowance.

### Conclusion

For at least the reasons stated herein, Applicant respectfully submits that the amended claims and the new claims are in condition for allowance and hereby requests a timely Notice of Allowance be issued in this case. **If the Examiner differs in this conclusion, the Examiner is hereby requested to contact Applicant's representative for purposes of a telephone interview at the number listed below before any action (other than an allowance) is initiated.**

Respectfully submitted,

  
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<b>Correspondence Info:</b>  Customer Number  <b>36067</b>	<b><i>CERTIFICATE OF MAILING or TRANSMISSION</i></b>  <i>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on January 6, 2005 to (703) 872-9306 or is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.</i>
	Signature Name: Joseph J. Mayo Date: January 6, 2005